

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: OCCUPATIONAL HEALTH EVALUATIONS AND PHYSICAL ABILITIES TESTING

EFFECTIVE: October 7, 1994 (AMENDED: January 27, 2009)

1 SCOPE

1.1 Authority

1.1.0 This policy is issued under authority of Cabinet Minute No. 94-40 (October 7, 1994) and amended under the authority of Deputy Ministers Review Committee (DMRC) minute #09-02 (January 27, 2009).

1.2 Application

1.2.0 This policy applies to all persons hired under the *Public Service Act* and the *Education Act*.

1.2.1 Administrative procedures for this policy are set out in the Administrative Guidelines for Occupational Health Evaluations and Physical Abilities Testing and are available from the Public Service Commission.

1.3 Purpose

1.3.0 To establish how positions are designated to require any or all of the following:
(a) a pre-placement occupational health evaluation;
(b) periodic occupational health evaluations;
(c) a pre-placement physical abilities test;
(d) periodic physical abilities tests.

1.3.1 This policy applies to designated positions and concerns routine testing; it has no impact on any additional individual test required to address workplace issues such as accommodation and the safe return to work after an illness or injury.

1.4 Principles

1.4.0 The Government of Yukon is committed to the health and safety of all employees.

1.4.1 Occupational health evaluations and physical abilities tests are instrumental in the prevention of illness, injury and disability arising out of, or aggravated by, conditions of work.

1.4.2 All employees in the Government of Yukon share in the responsibility to create a healthy and safe working environment.

1.5 Definitions

Bona fide occupational requirement: a bona fide occupational requirement (BFOR) is a standard or rule that is integral to carrying out the functions of a specific position. For a standard or rule to be considered a BFOR, an employer must establish that any accommodation or changes to the standard or rule would create an undue hardship.

For a standard or rule to be considered a BFOR it must meet the following three-step test:

1. Is the standard or rule adopted for a purpose rationally connected to the job?
2. Is the standard or rule adopted in an honest and good faith belief that it is necessary to the fulfilment of a legitimate work-related purpose? and
3. Is the standard or rule reasonably necessary to the accomplishment of that legitimate work-related purpose?

Deputy minister: includes all deputy ministers of departments and heads of corporations.

Designated position: a position that falls within an occupational category set out in the Yukon Occupational Health Evaluation Guide.

Occupational health evaluation: any specific screening, assessment or examination of an individual, either pre-placement or periodic, carried out by a qualified health professional, to determine or monitor the individual's occupational health status and includes, when necessary, preventative measures such as recommended immunizations as well as consultations with other health professionals.

Yukon Occupational Health Evaluation Guide: a document for use by qualified health professionals and departmental human resource staff that sets out the medical standards for specific occupational groups on which occupational health evaluations are based.

Physical abilities test: the assessment of an individual against the essential physical capacities required to safely perform the job duties of the position they occupy or have been offered.

Qualified health professional: a physician, nurse, mental health specialist or others licensed to practice under the laws of a province or territory and who is qualified to perform the required assessment.

Risk to health and safety: a risk that is reasonably foreseeable and probable that is determined following an assessment of job duties indicating that a lack of medical or physical fitness could result in serious harm or injury to the employee or others.

2 ROLES AND RESPONSIBILITIES

2.1 Public Service Commission

2.1.0 The Public Service Commission is responsible for assisting departments interpret and apply this policy.

2.1.1 The Public Service Commission is responsible for developing, maintaining and communicating a Yukon Occupational Health Evaluation Guide.

2.1.2 In cooperation with departments, the Public Service Commission is responsible for designating positions for pre-placement and periodic occupational health evaluations.

- 2.1.3 Routine periodic occupational health evaluations will be performed in accordance with the Yukon Occupational Health Evaluation Guide, but in individual cases, the Public Service Commission may recommend investigations or evaluations at intervals that are more or less frequent than those identified in the guide.

2.2 Departments

Deputy ministers:

- 2.2.0 Deputy ministers are responsible for implementing this policy in their departments.
- 2.2.1 Deputy ministers are responsible for identifying to the Public Service Commission for consideration, any position within their department that has an inherent element of risk to health or safety, which they believe warrants the inclusion of the position in the Yukon Occupational Health Evaluation Guide.
- 2.2.2 Deputy ministers are responsible for issuing instructions so that occupational health evaluations are conducted on their employees according to the standards set out in the Yukon Occupational Health Evaluation Guide.
- 2.2.3 Deputy ministers are responsible for determining when a physical abilities test is required for a designated position and for the development and administration of those tests for existing employees or for job candidates who have been given a conditional offer of employment.
- 2.2.4 Deputy ministers are responsible for issuing instructions so that physical abilities testing is conducted on their employees in accordance with this policy.
- 2.2.5 Deputy ministers are responsible for all costs relating to occupational health evaluations and physical abilities testing performed under this policy.

Human resource directors:

- 2.2.6 Human resource directors are responsible for administering this policy in their department in accordance with any related guidelines, procedures, processes or forms established by the Public Service Commission and for providing guidance to employees and supervisors on its application.

Supervisors:

- 2.2.7 Supervisors are responsible for identifying to their department human resource branch, changes in the job duties of a position that may create an element of risk to health or safety in the position.
- 2.2.8 Supervisors are responsible for informing employees and job candidates of the purpose, process and confidential nature of an occupational health evaluation and physical abilities test prior to employment and prior to a periodic evaluation.

Employees in designated positions:

- 2.2.9 Employees in designated positions are responsible for advising their supervisor of any medical issues they have that may affect their ability to perform any of the functions of the job they occupy.
- 2.2.10 Employees are responsible for cooperating with the employer and any qualified health professional in accordance with this policy and related guidelines.

3 OCCUPATIONAL HEALTH EVALUATIONS FOR DESIGNATED POSITIONS

- 3.1.0 Occupational health evaluations shall be carried out on individuals assigned to designated positions.
- 3.1.1 The nature and frequency of occupational health evaluations shall be in accordance with the standards set out in the Yukon Occupational Health Evaluation Guide.
- 3.1.2 An occupational health evaluation is used to:
 - (a) establish that job candidates are able to meet the health requirements of a designated position prior to appointment; and
 - (b) establish that employees in designated positions are able to continue working without detriment to their health or safety or that of others.
- 3.1.3 An occupational health evaluation focuses on the health and safety risks and hazards of the designated position and is carried out by a qualified health professional. This evaluation is not the same as, nor is it intended to replace a general physical examination provided by a personal physician.
- 3.1.4 There are two types of occupational health evaluations.
 - 1. Pre-placement – carried out when a candidate has received and accepted a conditional job offer to a designated position.
 - 2. Periodic - carried out on a periodic schedule, depending on hazard exposure and the age of the employee, to determine if:
 - (a) the employee continues to meet the medical requirements of the designated position;
 - (b) the employee is being negatively affected by their work; and
 - (c) the employee can continue working under the same work conditions without detriment to their own health and safety or to the health and safety of others.
- 3.1.5 When a health condition is identified in the occupational health evaluation, the diagnosis, adequacy of treatment, medical control and the state of any resulting or residual impairment or limitation are all factors that will be considered in making a determination, usually in consultation with the treating physician, of whether the individual is medically fit to do the job.
- 3.1.6 Where an employee is unable to meet the medical requirements of the position, the employing department will seek to accommodate the individual in accordance with the employer's policy on Accommodating Employees with Disabilities (GAM 3 Policy 3.59).

4 PHYSICAL ABILITIES TESTING FOR DESIGNATED POSITIONS

- 4.1.0 The employing department may determine that a designated position requires a physical abilities test to ensure that people are able to safely perform the duties of the position.
- 4.1.1 Physical abilities testing may only be considered following a detailed review of the job functions and a subsequent determination by the department director of human resources that a specific level of physical fitness is required in order for the employee to perform those functions in a safe and effective manner that does not place the employee or others at risk of injury.
- 4.1.2 Physical abilities testing must be based on bona fide occupational requirements of the designated position.

- 4.1.3 There are two types of physical abilities tests.
1. Pre-placement – carried out when a candidate has received and accepted a conditional job offer to a designated position. Candidates must meet the physical fitness requirements of the position prior to their appointment.
 2. Periodic – carried out on a periodic schedule, depending on hazard exposure and the age of the employee, to determine if the employee continues to meet the physical fitness requirements of the position.
- 4.1.4 When a physical abilities test is carried out at the time of hire, the job candidate shall not be confirmed in the position until meeting this condition of employment.
- 4.1.5 A physical abilities test may be preceded by an occupational health evaluation to rule out factors that may preclude the test.
- 4.1.6 Where an employee is unable to meet the physical fitness requirements of the position, the employing department will seek to accommodate the individual in accordance with applicable employer policies.

5 CONFIDENTIALITY AND RECORDS MANAGEMENT

- 5.1.0 The Public Service Commission is responsible for retaining records pertaining to occupational health evaluations and physical abilities tests for employees in designated positions.
- 5.1.2 The qualified health professional will not be asked to disclose confidential medical information unless it is required to determine appropriate accommodation strategies or options and is provided with the written consent of the individual.

References

- *Access to Information and Protection of Privacy Act*
- *Education Act*
- *Occupational Health & Safety Act and Regulations*
- *Public Service Act*
- *Yukon Human Rights Act*
- Corporate Health and Safety Policy, GAM 3.48
- Accommodating Employees with Disabilities Policy, GAM 3.59
- Administrative Guidelines for Occupational Health Evaluations and Physical Abilities Testing
- Yukon Occupational Health Evaluation Guide